

THE TRI-WEEKLY COMMONWEALTH.

VOL. 7.

FRANKFORT, KENTUCKY, APRIL 30, 1858.

N. 97.

THE TRI-WEEKLY COMMONWEALTH
WILL BE PUBLISHED EVERY MONDAY, WED-
NESDAY, AND FRIDAY,
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FRANKLIN GORIN. A. G. GAZLAY.
GORIN & GAZLAY,
Attorneys and Counselors at Law,
LOUISVILLE, KY.

REFERENCES.

MOSSE, JAS. TRANCE & CO.; GARVIN, BELL & CO.; McDowell, Young & C. HUGHES & HUTCHISON; LOW & WHITNEY; JAS. E. REED, Esq.; HAYS, CRAIG & CO.; CARTH, MOSS & TRIGG; WILSON, STARRARD & SMITH; CASSADAY & HOPKINS; CURD & WHITE; ABAT & RAI-
LETT; CURD & CO. [Aug. 17, 1857—56.]

JOHN FLOURNOY,
Attorney at Law, Notary Public,
Devotes himself to the
COMMERCIAL & ADMIRALTY PRACTICE,
ST. LOUIS, MO.

COLLECTIONS in all parts of Missouri and Illinois at-
tended to, prompt remittances made, correspond-
ence solicited, and information cheerfully given.

REFERS BY PERMISSION, TO
THOM. PARSONS, L. L. D., Professor of Law, Cam-
bridge, Mass.

KENNARD & BROTHER, Merchants, St. Louis.
C. M. McCARTHY & CO., Merchants, St. Louis.
HORN, J. S., Judge Superior Court of Mo.

HAYWOOD, CROW & CO., Merchants, St. Louis.
BUCKNER, HALE & CO., Merchants, Cincinnati, Ohio.

Sept. 9, 1857—4.

FRANK BEDFORD,
Attorney at Law,
VERSAILLES, KENTUCKY.

ROB'T J. BRECKINRIDGE,
Attorney and Counselor at Law,
LEXINGTON, KY.

OFFICE on Shortstreet between Limestone and
Upperstreets. [May 23, 1858—5f.]

THOMAS A. MARSHALL

HAVING removed to Frankfort, and resided in the
City of Law, will attend personally to such cases as
may be referred to him in the Court of Appeals of Ken-
tucky, and to such engagements as he may make in other Courts conveniently accessible. He will also give in
opinions and advice in writing, upon cases stated in
writing, or on records presented to him. Will pro-
vide for all the services relating to the business
above described, and may at all times, except when ab-
sent on business, be found in Frankfort.

March 30, 1857—5f.

J. W. MCCLUNG.

(Formerly of Kentucky.)

Attorney at Law & Real Estate Broker,

3d Street, St. Paul, Minnesota.

WILL loan money for capitals at 24 to 36 per cent
upon real estate worth double the loan, (Minnesota
has no usury law) and make investments in city or
country property to the best advantage.

The best Kentucky references given if required. Cor-
respondence solicited.

JAN. 7, 1857—14.

SMITH, WALLER & CO.,
REAL ESTATE BROKERS,
OFFICE—MASONIC TEMPLE,
CHICAGO, ILLINOIS.

LIVE particular and personal attention to the invest-
ment of money for others in Lands, Town Lots,
etc., in Illinois, Iowa, Wisconsin, and Minnesota, and
to the location of Land Warrants. They will also invest-
ment on BONDS and REAL ESTATE SECURITIES,
highly remunerative rates of interest, for parties de-
siring always for sale.

Their facilities and opportunities for investment, ex-
perience in the business, and acquaintance with the
great North-West, warrant the belief that they can make
safe and profitable investments as any parties in the
West.

All letters of inquiry or on business promptly answered.

SMITH, WALLER & CO.,
Box No. 2887, Chicago, Illinois, or
J. T. BOYLE Danville Ky.

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Hon. S. A. DUGGER, Lexington, Ill.

Hon. B. L. Morris, Chicago, Ill.

Gov. J. A. MATTHEWS, Joliet, Ill.

Hon. D. Davis, Bloomington, Ill.

Gov. C. S. MOREHEAD, Frankfort, Ky.

Hon. T. M. SAWYER, Frankfort, Ky.

Messrs. TAYLOR, SHELBY & CO., Lexington, Ky.

Col. J. W. FINNELL, Covington, Ky.

Hon. W. C. GOOLSBY, Richmond, Ky.

Hon. J. W. COOPER, Louisville, Ky.

Hon. J. R. UNDERWOOD, Bowlinggreen, Ky.

Hon. John G. ROGERS, Glasgow, Ky.

Hon. John L. HELMS, Elizabethtown, Ky.

Hon. L. W. POWELL, Henderson, Ky.

May 30, 1856—14.

G. D. SMITH. C. O. SMITH

N. D. SMITH & CO.,
MANUFACTURERS OF

A L C O H O L ,
COLOGNE AND PURE SPIRITS,

No. 16 & 18, West side Second St., bet. Main & Market

LOUISVILLE, KY.

August 26, 1857—14.

W. OWEN.

GWIN & OWEN,

Dealers in Hardware and Cutlery,

STORE IN HANNA'S NEW BUILDING,

MAIN STREET.

FRANKFORT, KENTUCKY.

Jan. 30, 1857—14.

LOUISVILLE AGRICULTURAL

WORKS.

We are now Manufacturing for the

HARVEST OF 1858,

1000

Kentucky Harvesters,

THE BEST

COMBINED REAPER AND MOWER

NOW IN USE.

DESCRIPTIVE CIRCULARS WILL BE SENT FREE

of postage on application by mail or otherwise.

Orders and correspondence promptly attended to.

Farmers visiting the city are respectfully invited to all our manufactory, corner ninth and Jefferson streets.

MILLER, WINGATE & CO.

March 23—14.

* * * You may copy four times weekly and charge Com-
monwealth.

For Rent.

WE desire to rent the property lately occupied

on Cornhill Hill, the dwelling house contains eleven

rooms, together with kitchen and out houses. Posses-
sion given immediately. For particulars inquire of

W. H. R. Frankfort at the Circuit Court Clerk's office, who is the duly appointed agent of the proprietor.

Feb. 24, 1858—14.

T. S. & J. R. PAG, Preceptor.

GRAY & TODD.

FEW H SUGAR CURED WHITE FISH—A few pack-
ages just received and for sale by

GRAY & TODD.

Aug. 31, 1857.

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THE COMMONWEALTH.

SPECH
OF
Hon. ANTHONY KENNEDY,
OF MARYLAND,
AGAINST
THE ADMISSION OF MINNESOTA.

Mr. KENNEDY. Mr. President, before the final vote is taken, I desire to say a few words in explanation of the vote I shall give. I do not rise for the purpose of discussing at length any of the provisions either of the bill or of the constitution submitted to me. I intend to vote against the admission of Minnesota upon the simple and broad ground that in my humble judgment its constitution contains provisions directly at variance with the Constitution of the United States. I am opposed to it because it involves a principle, in my humble judgment, directly in conflict, not only with the Constitution of the United States, but with the rights of the Southern States. It claims the constitutional power to confer the right of suffrage upon a class of inhabitants not recognized by the Constitution of the United States. It involves a principle which comes directly in conflict with the principles of a party that I have the honor to represent on this floor, whose great leading doctrine is directly in conflict with this principle; and I should be unjust to myself and reprove to the duty that is devolved upon me, if I did not vindicate the principle of that party, to a slight extent, at least, in giving the reason why I vote against this bill. I am not now referring particularly to the bill for the admission of Minnesota at all; because really that bill is a matter of very little importance to me; but I intend to vote against the admission of the State with this constitution, which she has sent here. Its seventh article, in regard to the elective franchise, declares:

"Sec. 1. Every male person of the age of twenty one years or upwards, belonging to either of the following classes, who shall have resided in the United States one year, and in the State for four months next preceding an election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all offices that the framers of the Constitution had in conferring this power, Mr. Calhoun said:

"1st. White citizens of the United States.
"2d. White persons of foreign birth, who shall have declared their intention to become citizens conformably to the laws of the United States upon the subject of naturalization.

"3d. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

"4th. Persons of Indian blood residing in this State, who have adopted the language, customs, and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State."

"Sec. 7. Every person who, by the provisions of this article, shall be entitled to vote at any election, shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this constitution, or in the constitution and laws of the United States."

Now, sir, the ground I take, and the ground taken by the party that I have the honor to represent, is that alien suffrage and squatter sovereignty must be repudiated. Having asserted these principles before the people of my State, and being prepared to vindicate them here, I cannot give my sanction to the admission of a State with a constitution containing so clear an infraction of the provisions of the Constitution of the United States, as that article contains; for if you admit the right of aliens, not naturalized, to take part in your elections—men who really cannot claim the protection of the Government; who have no right to come here and petition for a redress of grievances until the mantle of citizenship has been put upon them, in accordance with the laws of Congress and the Constitution of the United States—you permit that class of individuals in this country to control directly the action of Congress, and, perhaps, the destiny of this nation.—Sir, I know that I am taking very broad ground in making this declaration—I know that I am assuming much in this body when I undertake to say that people who are not citizens of the United States have no right to vote by the suffrage which may be conferred upon them by the action of a State government; but it has been contended on this floor, and ably and strongly by some of the great intellects of former days, that the principle on which I act in this matter is a correct one.—We are now, in some degree, reaping the fruits of the loose and cheap right of suffrage which has been conferred upon the people of this country. There has been of late a power aggregating itself in one section of the country upon the adverse proposition to that which I have stated here, which, if not checked, if not controlled, will before long sweep from us that right and that equality which we of the Southern States hold in this Union.

Upon a former occasion, I said that I was opposed to squatter sovereignty, because it disturbed the principal equilibrium that had existed between the States, on a strict construction and enforcement of the guarantees of the Constitution of the United States. I opposed it because it opened the door to an unequal contest with persons who came here and claimed, through their Representatives who had a voice in Congress, the right to administer this Government, and to direct its policy directly in opposition to the conceded principles of the Constitution when it was framed. When the Constitution was framed the Southern States of this Confederacy were upon a footing of perfect equality with all the States of the Union, and my desire has been to do nothing to destroy that equality.

Mr. President, when Congress has exercised its authority by passing a uniform law of naturalization, it excludes the right of exercising a similar authority on the part of the State; and to suppose that the State could do this would make this provision of the Constitution of the United States nugatory. The power has been given to the Congress of the United States to establish a uniform rule of naturalization for the express purpose of protecting the minority that might be the result of allowing States to hold out inducements to emigrants. It was to protect us against that interpolation or subversion of the principles of this Government, which will necessarily creep into it by the introduction of new members of the Government, imported from foreign countries, and brought here directly to carry out sectional purposes and for sectional objects only. To suppose that a State could make an alien a citizen, or confer on him the right of voting, would give him a direct and broad control in this Government. A man votes for Representatives in the other branch of Congress in accordance with the laws of the State in which he resides; and, if you allow aliens to vote for members of Congress, they may control your legislation here, and introduce a system of policy entirely at variance with that upon which the Government was originally formed.

Now, sir, in presenting the views that I have submitted to the Senate, I am not standing alone. In vindication of this principle which I assert, I bring to my support the doctrine proclaimed here by one of the most distinguished Senators whose voice has ever been heard in this Hall. I will, by permission of the Senate, read upon this point the views of no less a man than John C. Calhoun, who, standing here in vindication of the rights of the South, and for the principles of this Government, foreseeing the dangerous consequences which might result in 1836 gave the warning not only to the Senate, but to the country, of the dangers that would result from this cheap suffrage which was being bestowed, or attempted to be bestowed, upon the States then coming into the Union. Mr. Calhoun said:

"When Congress has exercised its authority by passing a uniform law of naturalization, (as it has,) it excludes the right of exercising a

similar authority on the part of the State. To suppose that the States could pass naturalization acts of their own after Congress had passed a uniform law of naturalization, would be to make the provision of the Constitution nugatory."

He said further—I quote from his speech on the Michigan bill in 1836:

"To suppose that a State can make an alien a citizen of the State, or, to present the question more specifically, can confer on him the right of voting, would involve the absurdity of giving him a direct and immediate control over the action of the General Government, from which he has no right to claim protection, and to which he has no right to present a petition. That the full force of the absurdity may be felt, it must be borne in mind that every department of the General Government is either directly or indirectly under the control of the voters in the several States. The Constitution wisely provides that the voters for the most numerous branch of the Legislature in the several States shall vote for the members of the House of Representatives; and, as the members of this body are chosen by the Legislatures of the States, and the Presidential electors either by the Legislatures or voters in the several States, it follows, as I have stated, that the action of the General Government is either directly or indirectly under the control of the voters in the several States. Now, admit that a State may confer the right of voting on all aliens, and it will follow, as a necessary consequence, that we might have among our constituents persons who have not the right to claim the protection of the Government, or to present a petition to it."

This, to my mind, is conclusive; it is an argument binding with such force on my judgment, that I never can yield the principle. But Mr. Calhoun went further in discussing this question, and I beg that it may be allowed to quote further from him, because surely I think that his arguments will have more force and more effect, when fairly put before the country, and fairly understood by the Senate, than anything I can say, or anything that I can offer. I gladly accept his principles and his doctrines as a text, and I am willing to abide by them. They are so entirely in accordance with the views, principles, and doctrines of the party I am representing here, that I am rejoiced to find that I have so able an advocate for the humble views that I am submitting to the Senate. In speaking of the object which the framers of the Constitution had in con-

ferring this power, Mr. Calhoun said:

"In conferring this power the framers of the Constitution must have had two objects in view; one to prevent competition between the States in holding out inducements for the emigration of foreigners; and the other, to prevent their influence over the General Government, through such States as might naturalize foreigners, and could confer on them the right of exercising the elective franchise, before they could be sufficiently informed of the nature of our institutions, or were interested in their preservation."

That, sir, is the great principle on which I stand. It is in defense of that right that my own party has in its platform laid down the doctrine that aliens not naturalized shall not exercise the rights of American freemen. There is a wide difference between privileges granted and rights claimed. I am only contending against the right of a State to confer power which has a direct control not only over the legislation in these Halls, but that has a power to control the Presidential election itself. I hope I may be permitted, in an illustration of this view, to quote still further from Mr. Calhoun:

"Both of these objects would be defeated, if the States may confer on aliens the right of voting and the other privileges belonging to citizens. On that supposition it would be almost impossible to conceive what good could be obtained, or evil prevented, by conferring the power on Congress. The power would be perfectly nugatory. A State might hold out every imprudent inducement to emigration, as freely as if the power did not exist; and might confer on the alien all the political privileges belonging to a native born citizen; not only to the great injury of the government of the State, but to an improper control over the government of the Union. To illustrate what I have said: suppose the dominant party in New York, finding political power about to depart from them, should, to maintain their ascendancy, extend the right of suffrage to the thousands of aliens of every language, and from every portion of the world, that annually pour into our great emporium; how deeply might the destiny of the whole Union be affected by such a measure. It might, in fact, place the control over the General Government in the hands of those who know nothing of our institutions, and are in different as to the interests of the country. New York gives about one-sixth of the electoral votes in the choice of President and Vice President; and it is well known that her political institutions keep the State nearly equally divided into two great political parties. The addition of a few thousand votes, either way, might turn the scale, and the electors might, in fact, overthrow their election, on the supposition to the votes of unnaturalized foreigners. The Presidential election might depend on the electoral vote of the State, and a President be chosen in reality by them; that is, they might give us a King."

Mr. Dickens has latterly been issuing what is called a popular edition of his works, in which he treats us to this little account of the origin of Pickwick, and how eagerly we rush behind the scenes to see how they contrived the thunders:

"I was a young man of three and twenty when the present publishers, attracted by some pieces I was at that time writing in the Morning Chronicle newspaper (of which one series had lately been collected and published in two volumes, illustrated by my esteemed friend, Mr. Geo. Cruikshank,) waited upon me to propose a something that should be published in shilling numbers, then only known to me, or I believe to any body else, by a dim recollection of certain interminable novels in that form which used to be carried about the country by peddlers, and over some of which I remember to have shed innumerable tears before I had served my apprenticeship to life."

"When I opened my door in Furnival's Inn to the managing partner who represented the firm, I recognized in him the person from whose hands, I had bought, two or three years previously, and whom I had never seen before or since, my first copy of the magazine in which my first effusion dropped stealthily one evening at twilight, with fear and trembling, into a dark letter box, in a dark office, up a dark court in Fleet street—appeared in all the glory of print; on which memorable occasion—how well I recollect it!—I walked down to Westminster Hall and turned into it for half an hour, because my eyes were so dimmed with joy and pride that they could not bear the street, and were not fit to be seen there."

I told my visitor of the coincidence, which we both hailed as a good omen, and so fell to business.

Mr. Kennedy. If I understand the gentleman, I have no hesitation in answering his question. If a man has been naturalized in conformity with the law of Congress, he clearly then has the right to vote in any State.

Mr. Johnson, of Tennessee. Then any State into which he goes is compelled to let him vote.

Mr. Kennedy. In conformity always with the municipal laws of the State; but he must be a citizen of the United States.

Mr. Johnson, of Tennessee. Has not each State the power to fix the qualifications of its voters? Has it not a right to impose any prohibition it pleases? Some of the States of this Confederacy have required a man to be a property-holder before he could exercise the elective franchise. If a State cannot permit a man to vote until he is a citizen, is not the converse of the proposition equally true—that, when he is a citizen, no State can prevent him from voting?

I say this, not for the purpose of confusing the Senator, or interfering with his argument, but in order to be instructed and informed on this subject; for I desire to understand his views. If it be true that, when an individual is once made a citizen of the United States, any State into which he goes is compelled to allow him to vote, what will be the consequence of such a principle? A free negro coming here from Africa could be naturalized, but suppose those laws should be amended by striking out the word "white," could you not make every negro who should emigrate from Africa to the United States a citizen, and, on being made a citizen, would not the Southern States, according to this doctrine, be compelled to let him vote? What would become

of Southern rights and interests under such a system? Free negro emigrants from Africa, through their State action, might flood the Southern States.

Mr. Kennedy. If the gentleman will allow me to go on, I shall come directly to that point. It is to protect the rights of the Southern States that I take the position which I have announced. I say a majority of the people of this country, through their State action, should not have power to direct and control the legislation of Congress by violating the naturalization laws of the country. The distinguished gentleman from whose speech I have quoted, and whose argument is complete on this subject, says on the very point upon which the Senator has put the interrogatory:

"But, to pass to the question immediately before us. This, as I have stated, does not involve the question whether a State can make an alien a citizen; but whether Congress has a right to prescribe the qualifications to be possessed by those who shall vote for members of a convention to form a Constitution for Michigan. Reason and precedent concur that Congress has the right. It has, as I have stated, been exercised in every similar case. If the right does not exist in Congress, it exists nowhere. A Territory, until it becomes a State, is a dependent community, and possesses no political rights but what are derived from the community. A Territory, until it becomes a State, is a dependent community, and possesses no political rights but what are derived from the community on which it depends. Who shall or shall not exercise political power? and what shall be the qualifications possessed by them? and how shall they be appointed? are all questions to be determined by the paramount community, as, in the case under consideration, to be determined by Congress, which has the right, under the Constitution, to prescribe all necessary rules for the government of the Territories, not inconsistent with the provisions of the Constitution."

"This very bill, in fact, admits the right. It prescribes that the people of Michigan shall vote for the members of the House of Representatives; and, as the members of this body are chosen by the Legislatures of the States, and the Presidential electors either by the Legislatures or voters in the several States, it follows, as I have stated, that the action of the General Government is either directly or indirectly under the control of the voters in the several States. Now, admit that a State may confer the right of voting on all aliens, and it will follow, as a necessary consequence, that we might have among our constituents persons who have not the right to claim the protection of the Government, or to present a petition to it."

This, to my mind, is conclusive; it is an argument binding with such force on my judgment, that I never can yield the principle. But Mr. Calhoun went further in discussing this question, and I beg that it may be allowed to quote further from him, because surely I think that his arguments will have more force and more effect, when fairly put before the country, and fairly understood by the Senate, than anything I can say, or anything that I can offer. I gladly accept his principles and his doctrines as a text, and I am willing to abide by them. They are so entirely in accordance with the views, principles, and doctrines of the party I am representing here, that I am rejoiced to find that I have so able an advocate for the humble views that I am submitting to the Senate. In speaking of the object which the framers of the Constitution had in con-

ferring this power, Mr. Calhoun said:

"In conferring this power the framers of the Constitution must have had two objects in view; one to prevent competition between the States in holding out inducements for the emigration of foreigners; and the other, to prevent their influence over the General Government, through such States as might naturalize foreigners, and could confer on them the right of exercising the elective franchise, before they could be sufficiently informed of the nature of our institutions, or were interested in their pre-servation."

Again he said:

"My colleague insists that to deny the right for which he contends would be to confer on Congress the right of prescribing who should or should not be entitled to vote in the State, and exercise the other privilege belonging to citizens; and portraced in a strong language the dangers to the rights of the States from such authority. If his views are correct in this respect, the danger would indeed be imminent, but I cannot concur in their correctness. Under the view which I have taken, the authority of Congress is limited to the simple point of passing uniform laws of naturalization, or, as I have shown, simply to remove alienage. To this extent it may clearly go, under the Constitution; and it is no less clear that it cannot go an inch beyond, without palpably transcending its powers."

That is the only principle I have stated. It is to confine the right to vote to persons who have the rights of citizens, not only in one State, but over the whole land. It is to prevent an aggregation of power in a class of people who cannot claim the protection of this Government, who have no right to petition Congress for a redress of grievances. It is to prevent the minority of the people of these States from being overcome by a power of this character, aggregated for the purpose of mere sectional advantage. It is so directly in conflict with all the principles that I believe to be essential for the permanency of a free government like ours; it is so directly injurious to the permanency of the principles of the Constitution itself, and to the enforcement of the guarantees of the Constitution, that I have thought proper to oppose it, and for these reasons I have entered my protest.

I place my protest upon record. I cannot recognize the principle either in a Territory or in a State, for the reasons I have quoted, of allowing aliens, not citizens, not entitled to the protection of the Government, to control the Presidential election itself. I hope I may be permitted to add, in a note, that the framers of the Constitution had in conferring this power, intended to confine it to the Federal Government, and not to the States.

Mr. Kennedy. I have the honor to represent a party that I have the honor to represent on this floor, whose great leading doctrine is directly in conflict with this principle; and I should be unjust to myself and reprove to the duty that is devolved upon me, if I did not vindicate the principle of that party, to a slight extent, at least, in giving the reason why I vote against this bill.

Mr. Johnson. Then any State into which he goes is compelled to let him vote.

Mr. Kennedy. In conformity always with the municipal laws of the State; but he must be a citizen of the United States.

Mr. Johnson, of Tennessee. Has not each State the power to fix the qualifications of its voters? Has it not a right to impose any prohibition it pleases? Some of the States of this Confederacy have required a man to be a property-holder before he could exercise the elective franchise. If a State cannot permit a man to vote until he is a citizen, is not the converse of the proposition equally true—that, when he is a citizen, no State can prevent him from voting?

I say this, not for the purpose of confusing the Senator, or interfering with his argument, but in order to be instructed and informed on this subject; for I desire to understand his views. If it be true that, when an individual is once made a citizen of the United States, any State into which he goes is compelled to allow him to vote, what will be the consequence of such a principle? A free negro coming here from Africa could be naturalized, but suppose those laws should be amended by striking out the word "white," could you not make every negro who should emigrate from Africa to the United States a citizen, and, on being made a citizen, would not the Southern States, according to this doctrine, be compelled to let him vote?

Mr. Kennedy. If I understand the gentleman, I have no hesitation in answering his question. If a man has been naturalized in conformity with the law of Congress, he clearly then has the right to vote in any State.

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THE COMMONWEALTH.

FRANKFORT.

THOMAS M. GREEN, Editor.

FRIDAY, APRIL 30, 1858.

AUGUST ELECTION, 1858.

FOR CLERK OF THE COURT OF APPEALS,
HON. GEORGE R. MCKEE,
OF PULASKI COUNTY.

COUNTY NOMINATIONS.

FOR SHERIFF,
HARRY I. TODD.

FOR COUNTY COURT JUDGE,
JOHN M. HARLAN.

FOR COUNTY COURT CLERK,
ALEXANDER H. RENNICK.

FOR JAILER,
HARRY R. MILLER.

FOR COUNTY ATTORNEY,
JAMES MONROE.

FOR CORONER,
JOHN R. GRAHAM.

FOR ASSESSOR,
WILLIAM F. PARRENT.

FOR COUNTY SURVEYOR,
WILLIAM E. ARNOLD.

Liberia.

All free persons of color in Kentucky intending to go to Liberia in the Colonization ship, that is to leave Baltimore for Liberia on November 1st, 1858, address Rev. A. M. Cowan, agent of the Kentucky, State Colonization Society, Frankfort, Ky.

Papers published in Kentucky please notice.

II We have several times given the facts concerning the leasing of the Penitentiary to the present Keeper, by the American Legislature, of 1855-6, and hardly supposed that it would ever be necessary for us to allude to them again.—The Americans were so fully justified by the facts in the case, that the Democrats of the last Legislature were deprived of the slightest pretence for refusing to fix the price for the lease of the Penitentiary at \$12,000. We have before stated, and it is generally known that, prior to the present contract between the State and Mr. Ward, the State Prison was managed as a partnership business between the State and the Keeper—the State to receive two-thirds, and the Keeper one-third of the profits. According to this plan there was seldom over a dollar paid into the Treasury from the Penitentiary, until the election of Mr. Ward. That gentleman paid the State \$5,000 the first year, which was a larger sum than the Commonwealth had ever received from any former Keeper. After the first year, Mr. Ward made a proposition to the Legislature of 1855-6 to give \$6,000 per annum for the lease of the Prison. This was far more than any other Keeper had paid under the partnership business, and the Legislature, thinking they were making an excellent bargain for the State, consented to lease it to Mr. Ward for that sum. The bill altering the manner of conducting the Penitentiary, from a partnership business between the State and the Keeper to a lease from the State to the Keeper, was approved of by both parties in the Legislature having for its strongest advocates several prominent Democrats, and was passed by a no party vote.

No higher bid was made, although one or two members did say that they were authorized to bid more than the sum specified by Mr. Ward; those who would otherwise have been glad to take the Penitentiary, had sense to know that, as Mr. Ward had already been elected by a previous Legislature and had a contract with the State which could not be broken except with his consent, it would be useless for them to make any offer whatever,—since the Legislature had no legal power or right to consider any bid except that of Mr. Ward. The Legislature had no more right to violate a contract than a private individual has, and even if the Legislature of 1856 had wished to give the lease to another person they had no right to do it without Mr. Ward's consent—which he, of course, would never have given; it is unnatural for a man to voluntarily relinquish some five or six thousand dollars a year. The American Legislature was compelled to choose between leasing the Prison to Mr. Ward at \$6,000 per annum, or to continue the partnership business, which experience had proved to be inconvenient and troublesome, and by which the State had never received as much as the sum offered by the present Keeper. They supposed they were getting an excellent bargain for the State, and eagerly grasped it. It may be asked if Ward was not able to pay more than the sum offered. Suppose he was? The leasing of the Prison was purely a business transaction between him and the State, and both parties might have been expected to do the best they could for themselves.

During the two years which elapsed between the adjournment of one Legislature and the meeting of the other, many changes had been made in the Penitentiary. The yard had been much enlarged, giving space for new buildings and increased facilities for ventilation; new and more improved machinery had been put up; new buildings have been erected; the cells have been improved; the number of mechanics in the Prison are nearly double what they were two years ago; and, altogether, such improvements and additions have been made as to render the lease of the Prison worth more than double what it was when Mr. Ward was elected. Being fully convinced that he could afford it, and still reap a handsome profit, Mr. Ward offered the Legislature \$12,000 per annum to renew his lease. This he would not probably have done if he could have gotten it for less, but paying even that sum was preferable to not getting it at all. No one who is acquainted, and it is the duty of the Legislature to be acquainted, with the business of the Penitentiary, can for a moment doubt that it is worth even more than that sum. A bill was reported to the House fixing the sum at which the Prison should be leased at \$8,000 per annum. A Democrat, Mr. Reid, from Morgan, moved to amend by striking out the word "eight" and inserting the word "six." Mr. Ward's proposition to give \$12,000 for the lease was then read. An American member then called for a division of

the question for the avowed purpose of inserting \$12,000 as the price of the lease; and accordingly the question was then taken on striking out, which was rejected by almost a strict party vote, —all the Americans voting in favor of striking out, and all the Democrats but three voting against it. In this way the Democrats in the House evaded the question of inserting \$12,000 in the bill, as of course that sum could not be inserted unless the motion to strike out prevailed.

In this form the bill went to the Senate, and when it was reported in that body an American Senator moved to amend by striking out the word "eight" and insert the word "twelve." This amendment was carried in the Senate by the American majority, the Americans voting for, and the Democrats against it. The amended bill was then reported to the House and rejected by that body, who insisted upon leaving the Prison for "eight" thousand dollars instead of "twelve"—the Americans voting for the amendment and the Democrats against it. Afterwards a reconsideration was taken and the bill as amended by the Senate passed,—eight Democrats voting against it upon the re-consideration.

In spite of these well known facts, the credit of leaving the Prison for \$12,000 instead of \$8,000 is now claimed for the Democrats. Was such astounding impudence ever before heard of? It is well known that the Democrats in the House and in the Senate resolutely persisted in their opposition to fixing upon \$12,000 as the price of the lease, until the American majority in the Senate positively refused to go into the election of Keeper unless the Democrats would make this concession. They had their choice between making Mr. South pay the same sum that was offered, not only by Ward, but by several prominent Democrats, or of not electing him at all. The Democrats in the Senate held out in their obstinacy even then, and it was not for some months after that the Democratic papers ceased to abuse Ward for his impudence in offering a sum which he was able to pay, but which the Democratic candidate did not want to pay. Col. Hawkins, Capt. Morgan, and other reliable Democrats frequently and publicly expressed themselves as willing to pay \$12,000 for the lease but still the Democratic solons refused to fix its price at that sum. If the objection to electing Ward at \$12,000 was that he is an American, what could have been the objection to Hawkins who also offered \$12,000? Why should Democrats have preferred leasing the prison to South for \$8,000 per annum to leasing it to Hawkins or Morgan for \$12,000? The only reasonable answer is, that the Democratic Legislature preferred enriching the *caucus nomine* of their party, to saving \$16,000 to the State by leasing the Prison even to another member of their own party.—The Americans only demanded that South should pay the same sum that Ward, Hawkins, and Morgan were willing to pay, but the Democrats desired to give it to him for \$16,000 less than they could have gotten from numerous other men. They did not regard the interests of the State, but legislated only for members of their own party, and in so legislating the *caucus nomine* always had the advantage over other Democrats. It is true that the Democrats in the House finally gave a reluctant consent to save the State \$16,000, but it was not until they had become assured that the American Senate would never consent to their criminal profligacy that they even made a show of decency.

Third—That ten entire sections of land, to be selected by the Governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of Government, under the direction of the Legislature thereof.

Fourth—That all the salt springs within the said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the Governor thereof, within one year after the admission of said State, and when so selected, to be used or disposed of on such terms, conditions and regulations as the Legislature shall direct: *Provided*, That no salt spring, or sand, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State.

Fifth—That five per centum of the proceeds of the sales of all public lands lying within the said State, which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State, for the purpose of making public roads and internal improvements, as the Legislature shall direct: *Provided*, That the foregoing propositions herein offered to the State of Kansas shall never interfere with the primary disposal of the lands of the United States, or with any regulation Congress may find necessary for securing title in said soil to bona fide purchasers thereof, and that no tax shall be imposed on land belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than resident.

Sixth—And that said State shall never tax the lands or property of the United States.

At said election the voting shall be by ballot, and by indorsing on his ballot, as each voter may please, "proposition accepted," or "proposition rejected." Should the majority of votes be cast for "proposition accepted," the President of the United States, as soon as the fact is duly made known to him, shall announce the same by proclamation, and thereafter, and without any further proceeding on the part of Congress, the admission of the State of Kansas into the Union on an equal footing with the original States, in all respects whatever, shall be complete and absolute; and said State shall be entitled to one member in the House of Representatives in the Congress of the United States until the next census be taken by the Federal Government. But, should the majority of the votes be cast for "proposition rejected," it shall be deemed and held that the people of Kansas do not desire admission into the Union with said Constitution, under the conditions set forth in said proposition; and in that event the people of said Territory are hereby authorized and empowered to form for themselves a constitution and State Government by the name of the State of Kansas according to the Federal Constitution, and may elect delegates for that purpose whenever, and before it is ascertained, by a census duly and legally taken, that the population of said Territory equals the ratio of representation required for a member of the House of Representatives of the United States; and whenever therefrom such delegates shall assemble in convention, they shall first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time, and if so shall proceed to form a constitution, and take all necessary steps for the establishment of a State Government, in conformity with the Federal Constitution, subject to such limitations and restrictions as to the mode and manner of its approval or ratification by the people of the proposed State, as they may have prescribed by law, and shall be entitled to admission into the Union as a State under such constitution thus fairly and legally made, with or without slavery, as said Constitution may prescribe.

Sec. 2. And be it further enacted, That for the purpose of insuring, as far as possible, that the election authorized by this act may be fair and free, the Governor, United States District Attorney, and Secretary of the Territory of Kansas, and the presiding officers of the two branches of its Legislature—namely, the President of the Council and Speaker of the House of Representatives, are hereby constituted a Board of Commissioners to carry into effect the provisions of this act, and to use all the means necessary and proper to that end: Any three of them shall constitute a Board, and the Board shall have power and authority to designate and establish precincts for voting, or to adopt those already established; to cause polls to be opened at such places as it may deem proper in the respective counties and election precincts of said Territory; to appoint, as judges of election at each of the several places of voting, three discreet and respectable persons, any two of whom shall be competent to act; to require the sheriffs of the several counties, by themselves or deputies, to attend the judges at each of the places of voting for the purpose of preserving peace and good order; or the said Board may, instead of said sheriffs and their deputies, appoint, at their discretion, and in such instances as they may choose, other fit persons for the same purpose. The election hereby authorized shall continue one day only, and shall not be continued later than

sundown on that day. The Board shall appoint the day for holding said election, and said Governor shall announce the same by proclamation; and the day shall be as early as one as is consistent with due notice thereof to the people of said Territory, subject to the provisions of this act. The said Board shall have full power to prescribe the time, manner, and place of said election, and to direct the time and manner of the returns thereof, which returns shall be made to the said Board, whose duty it shall be to make the result by proclamation, and said government shall certify the same to the President of the United States without delay.

Sec. 3. And be it further enacted, That in the election hereby authorized, all white male inhabitants of said Territory, over the age of twenty-one years, who possess the qualifications which were required by the laws of said Territory for a legal voter at the last general election for a member of the Territorial Legislature, and none others, shall be allowed to vote, and this shall be the only qualification required to entitle the citizens to the right of suffrage in said elections; and if certain conditions set forth in said ordinance be accepted and agreed to by the Congress of the United States; and

Whereas, Said constitution and ordinance have been presented to Congress by order of said convention, and the admission of said Territory into the Union thereto as a State is herein proposed; therefore

Whereas, Said ordinance is not acceptable to Congress, and it is desirable to ascertain whether the people of Kansas concur in the changes in said ordinance hereafter stated, and desire admission into the Union as a State as herein proposed; therefore

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